

2021 -- S 0733

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LC002441
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE - PROCEDURE ON PARTICULAR
ACTIONS - CONTRIBUTION AMONG JOINT TORTFEASORS

Introduced By: Senators Lombardi, and McCaffrey

Date Introduced: March 26, 2021

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 10-6-3, 10-6-4 and 10-6-7 of the General Laws in Chapter 10-6
2 entitled "Contribution Among Joint Tortfeasors" are hereby amended to read as follows:

3 **10-6-3. Right of contribution declared.**

4 ~~The~~ [Except as otherwise provided in § 10-6-7, the](#) right of contribution exists among joint
5 tortfeasors; provided however, that when there is a disproportion of fault among joint tortfeasors,
6 the relative degree of fault of the joint tortfeasors shall be considered in determining their pro rata
7 shares.

8 **10-6-4. Payment as prerequisite -- Limitation of actions.**

9 ~~A~~ [Except as otherwise provided in § 10-6-7, a](#) joint tortfeasor is not entitled to a final
10 money judgment for contribution until he or she has by payment discharged the common liability
11 or has paid more than his or her pro rata share of the final money judgment. Actions for contribution
12 shall be commenced not later than one year next after the first payment made by a joint tortfeasor
13 which has discharged the common liability or is more than his or her pro rata share thereof.

14 **10-6-7. Effect of release of one tortfeasor on liability of others.**

15 ~~(1)~~ [A](#) release by the injured person of one joint tortfeasor, whether before or after judgment,
16 does not discharge the other tortfeasors unless the release so provides; but reduces the claim against
17 the other tortfeasors in the amount of the consideration paid for the release, ~~or in any amount or~~
18 ~~proportion by which the release provides that the total claim shall be reduced, if greater than the~~

1 ~~consideration paid.~~

2 ~~However, in circumstances where there are twenty five (25) or more deaths from a single~~
3 ~~occurrence, then a release by the injured person of one joint tortfeasor given as part of a judicially~~
4 ~~approved good faith settlement, whether before or after judgment, does not discharge the other~~
5 ~~tortfeasors unless the release so provides but reduces the claim against the other tortfeasors in the~~
6 ~~amount of the consideration paid for the release.~~

7 (2) A release by the injured person of one joint tortfeasor relieves that tortfeasor from
8 liability to make contribution to another joint tortfeasor.

9 SECTION 2. Section 10-6-8 of the General Laws in Chapter 10-6 entitled "Contribution
10 Among Joint Tortfeasors" is hereby repealed.

11 ~~**10-6-8. Liability to contribution of tortfeasor released by injured person.**~~

12 ~~A release by the injured person of one joint tortfeasor does not relieve him or her from~~
13 ~~liability to make contribution to another joint tortfeasor unless the release is given before the right~~
14 ~~of the other tortfeasor to secure a money judgment for contribution has accrued, and provides for a~~
15 ~~reduction, to the extent of the pro rata share of the released tortfeasor, of the injured person's~~
16 ~~damages recoverable against all the other tortfeasors.~~

17 ~~However, in circumstances where there are twenty five (25) or more deaths from a single~~
18 ~~occurrence, a release by the injured person of one joint tortfeasor given as part of a judicially~~
19 ~~approved good faith settlement does not relieve him or her from liability to make contribution to~~
20 ~~another joint tortfeasor unless the release is given before the right of the other tortfeasor to secure~~
21 ~~a money judgment for contribution has accrued, and provides for a reduction to the extent of the~~
22 ~~amount of the consideration paid for the release.~~

23 SECTION 3. This act shall take effect upon passage and shall apply to all claims pending
24 at the time of passage or asserted thereafter; provided, however, that this act shall not apply to,
25 affect or impair releases executed before the passage date.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would repeal the section of the law which provides that a joint tortfeasor receives
2 the greater benefit of the sum paid by a released tortfeasor or the percentage of fault attributed to
3 the released tortfeasor. This act would limit the credit received by a joint tortfeasor to the amount
4 paid by the released tortfeasor without regard to funding of fault.

5 This act would take effect upon passage and would apply to all claims pending at the time
6 of passage or asserted thereafter; provided, however, that this act would not apply to, affect or
7 impair releases executed before the passage date.

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